

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric  
Company (U 902-E) for an Order Implementing  
Assembly Bill 265.

Application 00-10-045  
(Filed October 24, 2000)

Application of San Diego Gas & Electric  
Company (U 902-E) for Authority to Implement  
an Electric Rate Surcharge to Manage the Balance  
in the Energy Rate Ceiling Revenue Shortfall  
Account.

Application 01-01-044  
(Filed January 24, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON NOTICE OF INTENT TO CLAIM COMPENSATION**

This ruling addresses the Notice of Intent to Claim Compensation (NOI) of  
The Utility Reform Network (TURN).

**Timeliness of Filing**

Pub. Util. Code § 1804(a)(1) provides that “where new issues emerge  
subsequent to the time set for filing, the commission may determine an  
appropriate procedure for accepting new or revised notices of intent.” By ruling  
dated October 30, 2001, parties whose participation in this proceeding “is  
prompted or affected” by a July 16, 2001 motion by San Diego Gas & Electric  
Company (SDG&E) for approval of a Memorandum of Understanding (MOU) of  
SDG&E, Sempra Energy, and the Department of Water Resources were  
permitted to file NOIs within 30 days of the date of that ruling.



TURN filed its NOI on November 29, 2001. In accordance with § 1804(a)(1) and the October 30, 2001 ruling, TURN's NOI is timely filed.

### **Qualification as a Customer**

TURN is a nonprofit consumer advocacy organization and has a long history of representing the interests of residential and small commercial customers of California utility companies before the Commission. The "vast majority" of its approximately 30,000 dues-paying members are believed to be residential customers. TURN's articles of incorporation specifically authorize its representation of the interests of residential customers.

Pursuant to D.98-04-059, TURN has demonstrated that it meets the statutory definition of customer (§ 1802(b)) as a group authorized pursuant to its articles of organization and bylaws to represent the interests of residential customers of California utilities.

### **Representation of Underrepresented Interests**

TURN notes that it is likely to be one of three intervenors representing solely the interests of residential and small commercial customers. TURN commits to tailor its participation to ensure that its work serves to support and complement the work of other parties that share its positions, and to avoid any undue duplication wherever practicable.

### **Nature and Extent of Participation**

To date, TURN has focused on the "unreasonableness" of the MOU and the preparation of an alternative package of outcomes. TURN has also taken the lead in the preparation of joint pleadings regarding the proposed implementation of the SONGS-related portions of the MOU. TURN notes that SONGS-related matters have been raised in another docket, and states that any request for compensation it files seeking recovery for work devoted to



implementation of the MOU will consolidate all work done in the several dockets.

### **Estimate of Compensation**

Pursuant § 1804(a)(2)(A)(ii), TURN submitted a breakdown of the total estimated compensation of \$45,000 that it expects to request. This ruling makes no affirmative findings regarding the reasonableness of the total or any component of the estimate.

### **Significant Financial Hardship**

TURN states that it made a showing of significant financial hardship in A.00-09-002, and that the showing was accepted by an Administrative Law Judge's ruling dated December 29, 2000. TURN also states that at the time the proceeding was initiated, it was operating under a similar ruling in A.99-10-023 dated January 7, 2000. This proceeding commenced within one year of the dates of those rulings, which establishes a rebuttable presumption of eligibility in this proceeding under § 1804(b)(1).

**IT IS RULED** that The Utility Reform Network (TURN) is eligible to file for an award of intervenor compensation at the conclusion of this proceeding.

Dated February, at San Francisco, California.

/s/ MARK S. WETZELL

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Mark S. Wetzell

Administrative Law Judge



## **CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated February 4, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.